

1 **STATE OF NEW HAMPSHIRE**
2 **PUBLIC UTILITIES COMMISSION**

3
4 **September 16, 2020 - 10:06 a.m.**

5 *[Remote Hearing conducted via Webex]*

6 **RE: DG 20-105**
7 **LIBERTY UTILITIES (ENERGYNORTH NATURAL**
8 **GAS) CORP. d/b/a LIBERTY UTILITIES:**
9 **Request for Change in Rates.**
10 ***(Hearing regarding temporary rates)***

11 **PRESENT:** Chairwoman Dianne Martin, Presiding
12 Cmsr. Kathryn M. Bailey
13 Cmsr. Michael S. Giaimo

14 Jody Carmody, Clerk
15 Eric Wind, PUC Remote Hearing Host

16 **APPEARANCES:** **Reptg. Liberty Utilities (EnergyNorth**
17 **Natural Gas) Corp., d/b/a Liberty**
18 **Utilities:**
19 Michael J. Sheehan, Esq.
20 Daniel P. Venora, Esq. *(Keegan Werlin)*
21 Jessica Ralston, Esq. *(Keegan Werlin)*

22 **Reptg. Residential Ratepayers:**
23 Christa Shute, Esq.
24 Pradip Chattopadhyay, Asst. Cons. Adv.
 Office of Consumer Advocate

Reptg. PUC Staff:
 Paul B. Dexter, Esq.
 Stephen Frink, Dir./Gas & Water Div.
 Al-Azad Iqbal, Gas & Water Division

 Court Reporter: Steven E. Patnaude, LCR No. 52

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I N D E X

PAGE NO.

STATEMENTS ON POTENTIAL DISQUALIFICATION BY:

Chairwoman Martin	6
Mr. Sheehan	13
Ms. Shute	14
Mr. Dexter	14

OPENING STATEMENT BY MR. SHEEHAN 16

OPENING STATEMENT BY MS. SHUTE 21

**WITNESS PANEL: DAVID B. SIMEK
 STEVEN E. MULLEN**

Direct examination by Mr. Sheehan 23

Cross-examination by Mr. Dexter 37

Interrogatories by Cmsr. Bailey 39

Interrogatories by Cmsr. Giaimo 41

CLOSING STATEMENTS BY:

Ms. Shute	48
Mr. Dexter	49
Mr. Sheehan	50

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
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18
19
20
21
22
23
24

E X H I B I T S

EXHIBIT NO.	D E S C R I P T I O N	PAGE NO.
1	Direct Testimony of David B. Simek and Kenneth A. Sosnick regarding Temporary Rates, including attachments	<i>premarked</i>
2	WITHDRAWN	<i>premarked</i>
3	Functional Cost Study, Summary of Results	<i>premarked</i>
4	WITHDRAWN	<i>premarked</i>
5	Revenue Requirement chart depicting "Temporary" and "Permanent" sections (3 pages)	<i>premarked</i>
6	Chart entitled "Sales and Transport Data - Allowed Revenues" (2 pages)	<i>premarked</i>

P R O C E E D I N G

1
2 CHAIRWOMAN MARTIN: We're here this
3 morning in Docket DG 20-105 for a hearing
4 regarding the Liberty Utilities (EnergyNorth
5 Natural Gas) Petition for Temporary Rates.

6 And I need to make the findings,
7 because this is a remote hearing.

8 As Chairwoman of the Public Utilities
9 Commission, I find that due to the State of
10 Emergency declared by the Governor as a result of
11 the COVID-19 pandemic, and in accordance with the
12 Governor's Emergency Order Number 12, pursuant to
13 Executive Order 2020-04, this public body is
14 authorized to meet electronically. Please note
15 that there is no physical location to observe and
16 listen contemporaneously to this hearing, which
17 was authorized pursuant to the Governor's
18 Emergency Order.

19 However, in accordance with the
20 Emergency Order, I am confirming that we are
21 utilizing Webex for this electronic hearing. All
22 members of the Commission have the ability to
23 communicate contemporaneously during this
24 hearing, and the public has access to

1 contemporaneously listen and, if necessary,
2 participate. We previously gave notice to the
3 public of the necessary information for accessing
4 the hearing in the Order of Notice. If anybody
5 has a problem during the hearing, please call
6 (603)271-2431. In the event the public is unable
7 to access the hearing, the hearing will be
8 adjourned and rescheduled.

9 Okay. Let's take appearances --
10 actually, let's take roll call attendance of the
11 Commission first.

12 My name is Dianne Martin. I'm the
13 Chairwoman of the Public Utilities Commission.
14 And I am alone.

15 Commissioner Bailey.

16 CMSR. BAILEY: Good morning.
17 Commissioner Kathryn Bailey. And I am alone.

18 CMSR. GIAIMO: Good morning. Michael
19 Giaimo. I'm a Commissioner at the PUC, the
20 Public Utilities Commission. And I, too, am
21 alone.

22 CHAIRWOMAN MARTIN: Okay. Thank you.
23 Let's take appearances, starting with Attorney
24 Sheehan.

1 MR. SHEEHAN: Good morning,
2 Commissioners. Mike Sheehan, for Liberty
3 Utilities (EnergyNorth Natural Gas) Corp. And
4 co-counsel with me on this hearing are Dan Venora
5 and Jessica Ralston. Although they may not speak
6 much today, I can assure you they have been
7 offering valuable assistance behind the scenes.

8 Thank you.

9 MR. VENORA: Good morning.

10 CHAIRWOMAN MARTIN: Good morning. And
11 do I see Attorney Kreis?

12 MS. SHUTE: Chairwoman.

13 CHAIRWOMAN MARTIN: There you are. Hi
14 there, Attorney Shute.

15 MS. SHUTE: Hi. Good morning. Thank
16 you, Chairwoman and Commissioners.

17 My name is Christa Shute. I'm here on
18 behalf of the Office of the Consumer Advocate, as
19 Staff Attorney, representing residential
20 ratepayers. With me today is the OCA's Assistant
21 Consumer Advocate, Dr. Pradip Chattopadhyay. Dr.
22 -- Sorry, Don Kreis, the Consumer Advocate, sends
23 his regrets that he had a scheduling conflict for
24 today.

1 CHAIRWOMAN MARTIN: Okay. Thank you.
2 And Attorney Dexter.

3 MR. DEXTER: Good morning,
4 Commissioners. Paul Dexter, on behalf of the
5 Commission Staff. Co-counsel Lynn Fabrizio is
6 not able to join us today. I am joined by Steve
7 Frink and Al-Azad Iqbal from the Gas Division.

8 CHAIRWOMAN MARTIN: All right. Great.
9 Well, good morning, everyone.

10 I need to start with a follow-up on the
11 discussion we had last time about potential for
12 disqualification. I'd like to make a disclosure
13 on the record this morning, and then we can go
14 from there. As I said at the prehearing
15 conference, an issue in this case is a request
16 for recovery of funds relating to a special
17 contract involving the State of New Hampshire,
18 which related to the Concord Steam project.

19 Liberty has prefiled testimony of
20 William J. Clark and Mark R. Stevens, starting at
21 Page 17 of 22 of their testimony, which addresses
22 this issue in part.

23 Prior to coming to the Public Utilities
24 Commission, I was Associate Attorney General for

1 the State of New Hampshire, where the focus of my
2 legal work in recent years was the contract and
3 procurement process. Another attorney at the
4 Attorney General's Office had negotiated the
5 special contract related to Concord Steam that is
6 at issue here. I was not involved in that. When
7 he took a new position, during the interim I
8 represented the State handling discussions with
9 Liberty/EnergyNorth related to overages on the
10 contract and who was responsible for them.
11 Attorney Sheehan was the attorney for Liberty
12 during those discussions, and I dealt directly
13 with Attorney Sheehan.

14 Due to the volume of work that I had
15 related to also being the Chief of Staff at the
16 Attorney General's Office, I assigned the case to
17 another attorney, who ultimately negotiated a
18 resolution. I was not involved in that
19 negotiation, and I was not aware of the terms of
20 the ultimate agreement.

21 With that disclosure, I will turn to
22 the applicable standard for disqualification.
23 RSA 363:12, VII, requires a commissioner of the
24 Public Utilities Commission to "disqualify

1 herself from proceedings in which her
2 impartiality might reasonably be questioned."
3 This is an objective, not a subjective, standard.
4 The Judicial Code of Conduct, which contains
5 nearly the same language, at Rule 38, Canon
6 2.11(A) provides additional guidance as to
7 situations where impartiality might reasonably be
8 questioned. Two of those are relevant in this
9 case. And I'll read the sections I'm referring
10 to. At Paragraph (A), it says "A judge shall
11 disqualify him or herself in any proceeding in
12 which the judge's impartiality might reasonably
13 be questioned, including, but not limited, to the
14 following: Paragraph (5): "The judge (a) served
15 as a lawyer in the matter in controversy." And I
16 did serve as a lawyer in the matter that is in
17 controversy before this Commission. And "(b)
18 served in governmental employment, and in such
19 capacity participated personally and
20 substantially as a lawyer in the proceeding."

21 Paragraph (C) of the Canons goes on to
22 say that "A judge subject to disqualification
23 under this Rule, other than for bias or
24 prejudice...may disclose on the record the basis

1 of the judge's disqualification and may ask the
2 parties and their lawyers to consider, outside
3 the presence of the judge..., whether to waive
4 disqualification. If, following the disclosure,
5 the parties and lawyers agree, without
6 participation by the judge..., that the judge
7 should not be disqualified, the judge may
8 participate in the proceeding. [And] the
9 agreement shall be [put on] the record."

10 So, now that I've made the disclosure,
11 for purposes of complying with and implementing
12 this procedure, because we are a quasi-judicial
13 body, I would like to recess this hearing so that
14 the parties and their lawyers may consider,
15 outside of the Commission's presence, the waiver
16 of disqualification.

17 I propose that we recess for fifteen
18 minutes. And, if you need additional time, to
19 let Mr. Wind know. I will also say that you
20 should -- to the extent you need to have
21 confidential communications about this, you
22 should leave the virtual hearing room and go and
23 confer with whomever you need to to reach a
24 decision on this.

1 If, once we return and are on the
2 record, all parties and their lawyers agree to
3 waive the disqualification, then I will proceed
4 to preside in this matter. If not, we'll go from
5 there, and Commissioner Bailey will take over as
6 Presiding Officer.

7 Is that okay with everybody?

8 *[No verbal response.]*

9 CHAIRWOMAN MARTIN: Okay. It's almost
10 10:15. So, why don't we say 10:30.

11 MR. DEXTER: Chairwoman, may I ask a
12 question? I'm sorry to interrupt you.

13 CHAIRWOMAN MARTIN: Attorney Dexter.

14 MR. DEXTER: Again, my apologies for
15 interrupting you.

16 Is the disqualification that we are to
17 discuss related solely to the Concord Steam
18 matter in this case or to the entire rate case?

19 CHAIRWOMAN MARTIN: It is related
20 solely to the Concord Steam matter, the contract
21 and the limited portion of that that I disclosed.

22 MR. DEXTER: Okay. Thanks for that
23 clarification.

24 CHAIRWOMAN MARTIN: You're welcome.

1 Any other questions?

2 MR. SHEEHAN: I'm not sure I understood
3 Mr. Dexter's question and your answer. I
4 thought -- I interpreted Mr. Dexter's question as
5 saying "are you going to disqualify yourself only
6 for consideration of the Concord Steam matter or
7 from the whole case?" I understand the Concord
8 Steam matter is the source, but is it a complete
9 disqualification or a partial?

10 CHAIRWOMAN MARTIN: I understand. So,
11 I may have misunderstood the question here, if
12 the way you're interpreting it is the way
13 Attorney Dexter asked it.

14 So, I am not certain that there would
15 be a way that we could proceed with me presiding
16 where that issue remains in this case. And, so,
17 I'm making the disqualification related to the
18 entire case. If there were a way that the
19 parties thought that could happen, and not be an
20 interruption, then we could certainly consider
21 it. But I think the most reasonable approach is
22 to consider it a disqualification for this
23 docket. And, if it were to be waived, it would
24 apply to this entire docket.

1 MR. DEXTER: Well, thank you, Attorney
2 Sheehan, for asking the question, because I
3 misunderstood that completely. So, what we're
4 discussing then is the Chairwoman's exclusion
5 from the entire case on the basis of the Concord
6 Steam issue?

7 CHAIRWOMAN MARTIN: Exactly. Okay.
8 Well, it's 10:16 now. Why don't we say 10:30.
9 But, by all means, if you need more time, please
10 just let Mr. Wind know.

11 All right. Off the record, and we'll
12 take a recess.

13 *(Recess taken at 10:16 a.m. and the*
14 *hearing resumed at 10:33 a.m.)*

15 CHAIRWOMAN MARTIN: All right. Let's
16 go back on the record. Okay. So, the parties
17 have rejoined after consideration of whether
18 waiver of disqualification should happen in this
19 case. And I'd like to hear from the parties on
20 the record, starting with Attorney Sheehan.

21 MR. SHEEHAN: Thank you. After
22 consultation with my client --

23 CHAIRWOMAN MARTIN: Attorney Sheehan, I
24 can't hear you.

1 MR. SHEEHAN: Hello?

2 MR. DEXTER: I can hear you.

3 CHAIRWOMAN MARTIN: It might be my
4 sound. Give me a second to make sure it's not
5 me.

6 Okay. Try again.

7 MR. SHEEHAN: Check one.

8 CHAIRWOMAN MARTIN: Yes, it was me. Go
9 ahead.

10 MR. SHEEHAN: After consultation with
11 my client, we agree to waive the disqualification
12 that you've described in this docket.

13 Now we can't hear you.

14 CHAIRWOMAN MARTIN: You can't hear me.
15 I'm doing really well today.

16 Okay. Great. Attorney Shute.

17 MS. SHUTE: The Office of the Consumer
18 Advocate agrees to waive the disqualification.

19 CHAIRWOMAN MARTIN: Okay. Thank you.
20 And Attorney Dexter.

21 MR. DEXTER: Staff agrees to waive the
22 disqualification as well.

23 CHAIRWOMAN MARTIN: Okay. So, with
24 that waiver, we will proceed with the case.

1 Thank you, everyone.

2 All right. Any preliminary matters,
3 before we proceed with the witnesses?

4 MR. SHEEHAN: Just a couple, Madam
5 Chair.

6 As you saw from the filings, we
7 submitted five exhibits. And, as will be
8 described in the hearing, we will only seek the
9 admission of 1, 3, and 5, and not 2 and 4. There
10 have been some changes and corrections.

11 Second, I do have a brief opening that
12 I'd like to make to sort of ground the Commission
13 in what we're proposing today. We have reached
14 an oral agreement with the parties. And it's a
15 little different than a typical temporary rate
16 case, because of the decoupling mechanism's
17 impacts.

18 And we have Mr. Simek and Mr. Mullen
19 ready to testify.

20 CHAIRWOMAN MARTIN: Okay. And do the
21 other attorneys want to make opening statements
22 as well?

23 MR. DEXTER: Staff doesn't have an
24 opening statement.

1 MS. SHUTE: We can make our statement
2 at the close or the opening, either is fine,
3 whichever.

4 CHAIRWOMAN MARTIN: Okay. Well, we'll
5 let Liberty proceed. And, if you want to make
6 one, just let me know.

7 Okay. Go ahead, Attorney Sheehan.

8 MR. SHEEHAN: Thank you.

9 The Company requested a temporary rate
10 increase of \$6.5 million. If granted as filed,
11 this temporary rate would cause approximately a 7
12 percent increase in current rates.

13 In discussions with Staff and OCA, we
14 have discovered one miscalculation, which we
15 fixed, but, more importantly, they proposed and
16 we agreed to a better way to provide the Company
17 with the temporary revenue increase in
18 satisfaction of our temporary rate request, and
19 to not have any rate increase for our customers.
20 That is, we're now asking for temporary rates to
21 be set at the existing rate level.

22 We can accomplish this due to the
23 workings of the decoupling mechanism. In our
24 last rate case, 17-048, the PUC approved a

1 decoupling mechanism, and set the revenue
2 requirement for the Company, which has been
3 increased a couple of times through CIBS cases.
4 This revenue requirement amount is the number
5 that the Company is allowed to recover, and the
6 decoupling mechanism makes sure that the Company
7 recovers that amount, no more/no less.

8 And, for purposes of this case today,
9 that amount is 84 and a half million dollars per
10 year. If we recover more, we have to return the
11 excess to customers through the RDAF, the Revenue
12 Decoupling Adjustment Factor, that is the true-up
13 that occurs through the cost of gas proceeding.
14 If we recover less, we can impose a surcharge to
15 bring us to that level again through the RDAF.

16 For several unanticipated reasons,
17 we -- let me back up. Part of the decoupling
18 process is that the Company's -- based on that
19 allowed revenue, we design rates and a revenue
20 per customer target that should get us to that
21 number. So, the Commission sets the 84 million,
22 and then the math people go to work and figure
23 out a revenue per customer amount to target and
24 the rates to get us there.

1 For several unanticipated reasons, the
2 rates that are in effect now are recovering much
3 more than the allowed 84 and a half million
4 dollars. In our first decoupling year, Fall of
5 '18 to Fall of '19, we recovered I believe it was
6 about \$7 million in excess of the allowed amount,
7 which we then are returning to customers
8 beginning with last year's cost of gas
9 proceeding. In the second decoupling year, which
10 was November 1 last year through the present, we
11 again are over-recovering approximately \$5
12 million. The cost of gas filing we just made
13 will reflect that we will return that \$5 million
14 to customers over the future year.

15 So, if we -- so, under the decoupling
16 mechanism, that \$5 million extra that was
17 collected mostly during the test year of '19 is
18 not revenue to the Company. It is money that we
19 set aside, because we know it's above the allowed
20 amount, and again return it to customers the
21 following year.

22 The solution to the temporary rates
23 that the parties have agreed to here is simply to
24 allow the Company to keep this extra \$5 million

1 going forward. The current rates are generating
2 that extra \$5 million. So, beginning October 1,
3 2020, the Company would be able to keep that \$5
4 million, plus the approved \$85 million base rates
5 that gets us to roughly \$90 million at current
6 rates are expected to yield. Customer rates will
7 not increase.

8 So, that's sort of the odd situation
9 we're in. That we are keeping rates the same,
10 but the Company's allowed to retain that extra \$5
11 million.

12 Last, in order to implement this
13 solution, the Company must reset its revenue per
14 customer targets to match the new revenue target.
15 I may not have said all that exactly right, but
16 I'm giving you an outline of what Mr. Simek and
17 Mr. Mullen will describe. And those new revenue
18 per customer targets are what are contained in
19 Exhibit 6.

20 So, with that, we're ready to have the
21 witnesses walk us through that.

22 CHAIRWOMAN MARTIN: Can I interject?
23 Just I want to make sure we're all on the same
24 page when it comes to the exhibits. You said

1 that you had submitted "five exhibits", and then
2 just referenced "Exhibit 6". I do have six
3 exhibits.

4 And, so, can you just walk through
5 again which ones you want admitted, and perhaps
6 refer to them, so that we're all on the same
7 page?

8 MR. SHEEHAN: Sure. I misspoke when I
9 said "five".

10 Exhibit 1 is the temporary rate
11 testimony that was filed with the case. That is
12 still the foundation of our request. It will be
13 changed, obviously, today. Exhibit 2 we are
14 withdrawing. Exhibit 3 is a summary of our
15 Functional Cost Study. It has a number or two in
16 it that are relevant here. Exhibit 4 is being
17 withdrawn. Exhibit 5 is a summary of our initial
18 request and our proposal here, and that will be
19 the foundation of today's hearing, with some
20 attachments. And Exhibit 6 are the revised
21 revenue per customer targets that we will ask to
22 be approved today.

23 CHAIRWOMAN MARTIN: Okay. Thank you
24 for that clarification. Attorney Shute, did you

1 have something?

2 MS. SHUTE: Could I request a couple
3 minute recess to speak with the Assistant
4 Consumer Advocate please?

5 CHAIRWOMAN MARTIN: Of course. How
6 much time do you need? Five minutes?

7 MS. SHUTE: I think five minutes is
8 going to be fine, yes.

9 CHAIRWOMAN MARTIN: Okay. So, why
10 don't we say 10:46.

11 MS. SHUTE: Okay. Thanks very much.

12 CHAIRWOMAN MARTIN: All right.

13 *(Recess taken at 10:41 a.m. and the*
14 *hearing resumed at 10:49 a.m.)*

15 CHAIRWOMAN MARTIN: Ms. Shute, are you
16 all set? Would you like to speak at this point?

17 MS. SHUTE: I'd like to just make two
18 clarifying comments, and as our response to
19 opening remarks of Attorney Sheehan.

20 CHAIRWOMAN MARTIN: Okay. Go ahead.

21 MS. SHUTE: Just to clarify that the
22 OCA doesn't feel that we've addressed the issue
23 of whether this is a better approach. But we do
24 believe that it is the approach that is

[WITNESS PANEL: Mullen|Simek]

1 appropriate for this settlement. And we intend
2 to discuss the approach for future rate cases
3 during the pendency of the docket.

4 And we also understand that the new RPC
5 would be temporary, as part of the temporary
6 rates, and that any further adjustments will be
7 made during permanent rates.

8 Thank you.

9 CHAIRWOMAN MARTIN: Okay. And,
10 Attorney Dexter, did you want to be heard at this
11 point now with respect to the others?

12 MR. DEXTER: No. Staff doesn't have
13 anything to add at this point.

14 CHAIRWOMAN MARTIN: Okay. Thank you.
15 Then, it's back to you, Mr. Sheehan, for your
16 witnesses.

17 MR. SHEEHAN: Correct. I guess they
18 need to be sworn in first.

19 CHAIRWOMAN MARTIN: Mr. Patnaude, can
20 you swear in the witnesses?

21 (Whereupon **Steven E. Mullen** and
22 **David B. Simek** were duly sworn by the
23 Court Reporter.)

24 **STEVEN E. MULLEN, SWORN**

[WITNESS PANEL: Mullen|Simek]

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DAVID B. SIMEK, SWORN

DIRECT EXAMINATION

BY MR. SHEEHAN:

Q Why don't we start with Mr. Mullen. Could you please introduce yourself and your position with the Company?

A (Mullen) My name is Steven Mullen. I am the Director of Rates and Regulatory Affairs for Liberty Utilities Service Corp. And I am responsible for rate and regulatory issues for our utilities in New Hampshire, which include EnergyNorth, as well as our gas utility in Georgia, and another one in Upstate New York.

Q And you did not file the temporary rate testimony in this docket, but have you been involved in the discussions and work that have led to the agreement we're presenting to the Commission here today?

A (Mullen) Yes, I have.

Q Mr. Simek, same question. Please introduce yourself?

A (Simek) My name is David Simek. I am the Manager of Rates and Regulatory Affairs. I also work for Liberty Utilities Services Corp.

[WITNESS PANEL: Mullen|Simek]

1 Q You did file testimony in support of the
2 Company's initial temporary rate request, is that
3 correct?

4 A (Simek) Yes.

5 Q And that's the document that we've marked as
6 "Exhibit 1". And I think it begins at Bates Page
7 001, through the various testimonies and
8 attachments, is that correct?

9 A (Simek) Yes.

10 Q And understanding that we have modified the
11 Company's proposal here, standing alone, do you
12 have any corrections to the initial testimony as
13 it was filed? Meaning are any of those
14 numbers --

15 A (Simek) No.

16 Q Okay.

17 A (Simek) No, I do not.

18 Q But you do -- you are prepared today to discuss
19 the terms of the modified proposal that we have
20 been able to reach over the last couple of weeks?

21 A (Simek) Yes.

22 Q And, so, for the record, do you adopt your
23 initial testimony, Exhibit 1, as your sworn
24 testimony today?

[WITNESS PANEL: Mullen|Simek]

1 A (Simek) I do.

2 Q Let's go briefly over the exhibits that we were
3 going to ask to be admitted today. And the next
4 one, after your testimony, is Exhibit 3. Can you
5 just tell us what Exhibit 3 is, the Functional
6 Cost Study?

7 A (Simek) Yes. The Functional Cost Study, the
8 purpose of that is to separate what, basically,
9 the revenues and/or costs are by function. For
10 the purpose of this temp. hearing today, what we
11 were looking at, and the reason why we submitted
12 this exhibit, was to show, in Exhibit 3, on Line
13 25, there was "\$2,009,487" that -- of revenue
14 that is specifically related to the cost of gas.
15 And really, the only purpose here was to include
16 that to show that that's what our study shows the
17 portion related to the cost of gas is this \$2
18 million. And that the difference between that
19 2 million and what we currently have in our
20 tariff on Page 17, of "\$1,980,428", that \$29,059
21 is included in Exhibit 5, which I will explain in
22 a moment.

23 But I just wanted to add the point of
24 having Exhibit 3 here was to show how that 29,000

[WITNESS PANEL: Mullen|Simek]

1 came about that is included in Exhibit 5.

2 Q Thank you. Exhibit 4 we will not seek admission
3 of. So, could you tell us what Exhibit 5 is?

4 A (Simek) Yes. So, Exhibit 5 includes two
5 sections, one for "Temporary" and then just a
6 brief one for "Permanent". And there's three
7 columns for "Temporary".

8 The first column -- I'm sorry, this is
9 for Exhibit 5, Page 1. The first column shows
10 the original booked revenue requirement and the
11 calculated revenue requirement. Meaning that we
12 initially had calculated "95,627,197", which is
13 included in bold in the first column. And that's
14 our calculated revenue requirement that was
15 included in our filing. It's on Bates II-017 in
16 the filing. And it's also included as the first
17 page of -- on Bates II-017 is included as Page 2
18 in Exhibit 5 as well.

19 Q Mr. Simek, in a rate case that did not have the
20 features that we're talking about today, is
21 what's reflected in that first column, would that
22 be the "normal" calculation of a temporary rate
23 request?

24 A (Simek) Yes. What we did, and we did, and it's

[WITNESS PANEL: Mullen|Simek]

1 summarized in this first column, what is
2 typically done for a rate filing when we are not
3 looking at decoupling. So, we took our booked
4 revenues that were actually on the books, and
5 compared it to our calculated revenue
6 requirement. And, from there, we came up with
7 that increase of 9.8 million.

8 Q And, for purposes of this case, when we filed
9 that temporary rate request, we chose to reduce
10 that amount by the 3 million and change reflected
11 on that first column, is that correct?

12 A (Simek) Correct.

13 Q And that's how we came to our proposed \$6 million
14 temporary rate increase?

15 A (Simek) Correct.

16 Q And, as you have on the bottom of that column, we
17 have approximately a 7 and a half percent
18 increase to existing rates?

19 A (Simek) Correct.

20 Q Can you tell us, just to identify what other
21 revenue consists of?

22 A (Simek) Yes. Mostly special contract revenue, it
23 would also include fees, I believe, like late
24 fees and other miscellaneous-type fees.

[WITNESS PANEL: Mullen|Simek]

1 Q Under the label of "Decoupling Revenue", there's
2 a zero there. How did the Company treat the
3 decoupling, meaning the extra money, if you will,
4 in this initial calculation?

5 A (Simek) In the initial calculation, we had
6 booked -- it was calculated that we needed to
7 give back to customers \$4,965,231 due to
8 decoupling. That means that we had
9 over-collected from the allowed revenue that was
10 allowed in DG 17-048. And, so, the way it was
11 booked was that we never did book that money.
12 So, column one, again, just ties to what was
13 shown on the Company's books.

14 We never booked that additional
15 decoupling of almost \$5 million. We ended up
16 deferring it, and are including it in the Revenue
17 Decoupling Adjustment Factor, as you had
18 mentioned in your opening, and gave that -- and
19 is in the process of giving that back to
20 customers.

21 Q So, in the cost of gas filing the Company just
22 made, which we'll have a hearing in a month or
23 so, the Company is going to ship -- will give
24 that \$5 million back to customers through the

[WITNESS PANEL: Mullen|Simek]

1 adjustment factor going forward?

2 A (Simek) Correct.

3 Q Okay. Please explain to us what the second
4 column consists of titled "Updated Calculation".

5 A (Simek) So, the second column takes into account
6 the approach that we had agreed upon with both
7 the OCA and Staff on how to recognize revenue for
8 rate purposes for temporary rates. So, what we
9 did is, you can see we kept the Distribution
10 Operating Income the same, at the "84,591,458",
11 but we are adding back decoupling revenue. By
12 adding back the decoupling revenue, that is
13 because current rates are actually bringing in
14 that additional \$4.9 million, yet, again, we were
15 not recognizing that on our books because we
16 couldn't keep it. So, we're adding it back in
17 for rate purposes, because the rates do bring in
18 that amount of money.

19 The line below that, "Low Income
20 Revenue", this is revenue that is not collected
21 through distribution rates, it's actually
22 collected through the LDAC mechanism. But the
23 way our accounting works is that that revenue
24 effectively falls to the bottom line for the

[WITNESS PANEL: Mullen|Simek]

1 Company, and, for rate purposes, it should be
2 recognized as distribution revenue, or at least
3 as revenue, so that it's revenue that the Company
4 does currently get.

5 Q Let me stop you there for a minute, Mr. Simek.
6 Just an explanation, this "Low Income Revenue"
7 represents the Company's recovery of discounts it
8 offers its low-income customers?

9 A (Simek) Correct.

10 Q So, we get less money from low-income customers
11 under that program, and we are allowed to recover
12 it through this factor that was in the cost of
13 gas?

14 A (Simek) Well, within the LDAC, yes.

15 Q Correct. Okay. And what you're just showing
16 here is that, although it's not collected through
17 distribution rates, is why it is collected, we do
18 receive it, so it should be included as part of
19 our overall revenue?

20 A (Simek) Correct. For the "Production Cost
21 Increase", the "29,059", that is the adjustment
22 that I was speaking of, that was the difference
23 between what was included on Exhibit 3 and the
24 amount that was included in a previous

[WITNESS PANEL: Mullen|Simek]

1 settlement, that was included in our tariff, and
2 that's 29,059.

3 And, from there, our calculated revenue
4 increase for temporary rates would have been --
5 was only "2,748,766". And, as you can see, the
6 "Total Calculated Revenue Requirement", in bold
7 there, is at 95 million, very similar to what was
8 in our original filing, at 95 million. And, if
9 we were to move forward and get the temporary
10 rates approved at that, it would have been a 2.96
11 percent increase. But, as you had said during
12 your opening, the Company is not seeking to
13 increase rates. And that analysis is shown in
14 column three. It's all the same numbers that are
15 included in column two, except the proposed
16 revenue increase is zero.

17 So, at this time, we are not seeking
18 that recovery. And, so, the percentage increase,
19 at the very last line there, is zero percent.

20 Q So, what is the precise number that the Company
21 is requesting as its allowed revenue under
22 temporary rates?

23 A (Simek) \$92,890,325. I'd like to point out
24 that --

[WITNESS PANEL: Mullen|Simek]

1 Q Go ahead.

2 A (Simek) -- Page 2 of this exhibit is a page --
3 the first column here is a different version of
4 showing the same numbers, and this page was just
5 a summary what's included in Page 2. And then,
6 the third page of this exhibit shows what was
7 included in the third column, just for comparison
8 purposes.

9 Q So, Exhibit 5, Page 2, is the support for the
10 first column. And Exhibit 5, Page 3, is the
11 support for the third column. Is that right?

12 A (Simek) Correct.

13 Q Okay. If the Commission were to approve
14 92,890,325 as the revenue under the temporary
15 rate order, how would the Company go about
16 collecting that money? What would we do to make
17 sure that we get that money?

18 A (Simek) The Company would need to adjust the
19 revenue per customer that was calculated at
20 these -- calculated using the billing
21 determinants that were determined during the test
22 year. So, actual customer accounts and usage
23 that was used during the test year, we would
24 update our revenue per customer based on those

[WITNESS PANEL: Mullen|Simek]

1 amounts.

2 Q So, that would be an update from the billing
3 determinants that were established in the old
4 rate case?

5 A (Simek) Correct. And we would be using those
6 billing determinants that were determined during
7 test year 2019, and that would be on a temporary
8 basis. And, throughout the proceeding, that may
9 or may not change, and then the permanents would,
10 you know, adjust accordingly.

11 Q What would happen if the Commission approved the
12 92,890,000 as the revenue target, but did not
13 approve the updated revenue per customer amount
14 in the tariffs?

15 A (Simek) Then, the Company would continue to
16 accumulate that large over-collection, the amount
17 above the allowed revenue. And the Company would
18 then just be giving back another large amount of
19 money through the Revenue Decoupling Adjustment
20 Factor next year.

21 Q And absent an update of the revenue per customer
22 targets, would the Company actually end up
23 collecting the 92,890,000 under current rates?

24 A (Simek) The Company would not be able to end up

[WITNESS PANEL: Mullen|Simek]

1 with 92,890,325, no. Based on the three --
2 there's three factors of why the decoupling
3 mechanism currently, that was approved in DG
4 17-048, why the billing determinants need to be
5 adjusted.

6 Briefly, I can go through those. Some
7 of those had to do with some errors that were
8 made in the original calculation. There was also
9 a customer reclassification post the 2016 test
10 year. And then, there was also, which is the
11 largest reason for this large over-collection,
12 which has to do with customer use has increased.

13 So, take all three of those into
14 account, they have all been corrected and in
15 place in the 2019 test year. So, it does make
16 sense that we adjust the test year and the
17 revenue per customer accordingly here, so we can
18 eliminate that larger over-collection, and allow
19 the Company to receive the 92,890,325, if that's
20 the revenue amount that's approved.

21 Q And you mentioned the adjustment to the revenue
22 per customers that we're proposing here. Does
23 the Company anticipate that the parties will
24 investigate those calculations and perhaps

[WITNESS PANEL: Mullen|Simek]

1 propose different revenue per customer amounts at
2 the close of this case?

3 A (Simek) Yes, we do.

4 Q What would happen if the -- strike that. Start
5 over. The proposed revenue per customer targets
6 that we're seeking approval of here is contained
7 in Exhibit 6, is that correct?

8 A (Simek) Correct.

9 Q Okay. What happens if the Commission approves
10 the requested revenue level of 92.8 million, and
11 approves these revised revenue per customer
12 targets, if we still end up collecting much more
13 or more than the 92 million, what would happen?

14 A (Simek) If we collected more than the 92 million,
15 we would then go ahead and give that back to
16 customers through the Revenue Decoupling
17 Adjustment Factor.

18 Q Just like we're doing now with the \$5 million?

19 A (Simek) Correct.

20 Q And the hope, obviously, is that, if we
21 over-collect, it will be a number much smaller
22 than that?

23 A (Simek) Correct. And that's the point of
24 adjusting the revenue per customer amounts.

[WITNESS PANEL: Mullen|Simek]

1 CHAIRWOMAN MARTIN: Attorney Sheehan,
2 you went on mute.

3 MR. SHEEHAN: Sorry.

4 BY MR. SHEEHAN:

5 Q Mr. Mullen, I haven't directed any questions to
6 you today. And I was wondering if there's
7 anything further you'd like to add to the
8 discussion I've just had with Mr. Simek?

9 A (Mullen) So, I think that, you know, it's been
10 interesting for all of us to go through this,
11 through this discussion. And it was helpful to
12 get everybody's input on this. Because this is a
13 new -- with this decoupling mechanism, it does
14 create a new, as I say it, a new way of looking
15 at things. And that's really because, here we'd
16 be adjusting the Company's revenues without
17 increasing rates.

18 Now, I've been doing this for quite a
19 while. And, you know, that is -- that is
20 something different. But that all really has to
21 do with -- there's really a couple of pieces to
22 decoupling. There is the rate side of it and
23 then the accounting side of it. And all this was
24 laid out in our tariff and what got approved last

[WITNESS PANEL: Mullen|Simek]

1 time. And, so, if you follow what's in the
2 tariff, this is the way that it works. And, so,
3 maybe by adjusting the revenue per customer
4 amounts, our monthly adjustment on the books that
5 adjust our revenues, when you compare actual
6 versus allowed, should be much smaller by
7 bringing things more in line.

8 MR. SHEEHAN: Thank you. I have no
9 further questions for these witnesses.

10 CHAIRWOMAN MARTIN: Okay. Attorney
11 Shute, do you have questions?

12 MS. SHUTE: I do not.

13 CHAIRWOMAN MARTIN: All right.
14 Attorney Dexter?

15 MR. DEXTER: I just have a couple of
16 questions.

17 **CROSS-EXAMINATION**

18 BY MR. DEXTER:

19 Q Mr. Simek or Mr. Mullen, it was always understood
20 that, when the revenue -- when the decoupling
21 mechanism was adopted, that revenue per customer
22 targets would be updated with each rate case,
23 correct?

24 A (Simek) Correct.

[WITNESS PANEL: Mullen|Simek]

1 Q So, this proposal to update the revenue per
2 customer targets isn't really anything out of the
3 ordinary, it's new, but it was contemplated in
4 the decoupling mechanism as approved. Is that
5 right?

6 A (Simek) Yes, it is.

7 Q Okay. And I just have -- there's something I
8 noticed on the exhibits, I apologize to Liberty
9 and the others for not noticing this earlier, but
10 on Exhibit 5, Line 1, is labeled "Distribution
11 Operating Income". Shouldn't that be
12 "Distribution Operating Revenues"?

13 A (Mullen) Yes, it should.

14 MR. DEXTER: Okay. That's what I
15 thought. But, just so that the schedules are
16 consistent, I wanted to point that out. I just
17 noticed it this morning in the hearing.

18 Those are all the questions I have,
19 Chairwoman.

20 CHAIRWOMAN MARTIN: All right. Thank
21 you.

22 Commissioner Bailey, do you have
23 questions?

24 CMSR. BAILEY: Yes. Thank you.

[WITNESS PANEL: Mullen|Simek]

1 BY CMSR. BAILEY:

2 Q I just want to make sure I understand this. The
3 proposal is to change the revenue per customer
4 amount on a temporary basis, is that correct?

5 A (Mullen) Yes.

6 Q So, if the rate case ultimately determines that
7 the revenue per customer number should be lower
8 than what we're setting as a temporary rate, all
9 the revenue that was collected would be
10 reconciled and returned after the case is over,
11 is that correct?

12 A (Mullen) There would be a reconciliation, as
13 there are in other cases, yes. So, ultimately,
14 at the end of the case, it's most likely that the
15 revenue per customer amounts will change. But
16 this is a way of, on the Company's books for
17 purposes of recording revenue on a temporary
18 basis, that rather than come up with these
19 larger -- rather than increasing rates a lot more
20 now, and then giving back a lot more, this is
21 much better for customers, in terms of keeping
22 the rates level as to where they are. And it
23 still allows for the Company's revenues on the
24 books to be brought up to a level to help with

{DG 20-105} [RE: Temporary Rates] {09-16-20}

[WITNESS PANEL: Mullen|Simek]

1 our earnings deficiency.

2 Q Okay. Thank you. If there wasn't an
3 over-collection going on right now, would this be
4 a mechanism to -- would this be how we would
5 increase temporary rates, if the revenue needed
6 to be increased, we would approve an increase in
7 the revenue per customer, or would it happen some
8 other way?

9 A (Mullen) Well, typically, what happens, and just,
10 for instance, when we had the CIBS mechanism,
11 there would be an increase in revenues that was
12 allowed, and at that time the revenue per
13 customer amounts are adjusted, which is
14 consistent with our tariff that says that every
15 time there's a distribution rate change, the
16 revenue per customer amounts are adjusted.

17 So, it really would -- there would be
18 an approved increase in revenues, but, in order
19 to get there, you would have to adjust the
20 revenue per customer amounts.

21 CMSR. BAILEY: Okay. Thank you. Let
22 me just check my notes. Okay. Thank you.
23 That's all I have.

24 CHAIRWOMAN MARTIN: Commissioner

[WITNESS PANEL: Mullen|Simek]

1 Giaimo, do you have questions?

2 CMSR. GIAIMO: I think I have a couple.

3 BY CMSR. GIAIMO:

4 Q So, assuming that there was a deficiency, a
5 deficiency to be made up, and absent this rate
6 case, would the ratepayers -- how much money
7 would the ratepayers get back? They would get
8 back the \$5 million, which would equal about a 7
9 percent decrease in their bills?

10 A (Simek) I'm not sure I fully understood the
11 question. But if we -- I think you asked, if we
12 increase the rates, in order to accommodate what
13 the Company needs, that we would then accumulate
14 also, under the current revenue per customer, we
15 would also accumulate a large over-collection,
16 which we would then need to give back to
17 customers.

18 Q Right. And that would be in the tune of \$5
19 million, is that right?

20 A (Simek) Approximately, yes.

21 Q Okay. So, assume that there wasn't a revenue
22 deficiency. How would the \$5 million that's
23 getting returned, what would that look like on a
24 customer bill? Would it be about a 7 percent

[WITNESS PANEL: Mullen|Simek]

1 decrease?

2 CHAIRWOMAN MARTIN: Mr. Simek, you're
3 on mute.

4 WITNESS SIMEK: Yes. Sorry. I was
5 still trying to think of how to respond.

6 **BY THE WITNESS:**

7 A (Simek) So, if there wasn't an increase -- could
8 you repeat that again please?

9 BY CMSR. GIAIMO:

10 Q I'm just wondering what the impact would be,
11 assuming that there was no deficiency? Assuming
12 that you were getting your necessary revenue
13 requirement. If \$5 million was to be returned
14 back to -- which represents the over-collection,
15 what would the bill impact be?

16 A (Simek) Yes. It would be that approximate 7
17 percent.

18 Q Thank you.

19 A (Simek) Your welcome.

20 Q My understanding is, based on, Mr. Simek, your
21 testimony, basically, there's been a lot of
22 capital investments post 17-048. Can you just
23 give us a high-level overview of what those
24 were?

[WITNESS PANEL: Mullen|Simek]

1 A (Simek) I believe that the Company had invested I
2 believe it was around \$90 million post-test year
3 2016. A large portion of that investment was due
4 to the CIBS Program, but then there was a lot of
5 non-growth related investments as well.

6 I don't necessarily have all the
7 details. I don't know how far you would like me
8 to go.

9 Q Were there any big projects specifically involved
10 in that or is it a lot of little projects that
11 get you to the 90 million?

12 A (Mullen) If I could, Commissioner, those projects
13 are described in the Testimony of Brian Frost,
14 Robert Mostone and Heather Tebbetts that's part
15 of the case. So, there's a lot more detail in
16 there. You know, we could pull that up and take
17 a refresher of that.

18 But I think a lot of it was, you know,
19 main replacements and, you know, our standard
20 business-as-usual type of projects. I mean,
21 there wasn't -- I'm trying to think if there was
22 really anything out-of-the-ordinary that was in
23 there and nothing is popping in my head. But the
24 details are really contained in that testimony.

[WITNESS PANEL: Mullen|Simek]

1 Q Yes. And I did know that. I was just wondering,
2 in general, what they were. And if, for the most
3 part, they were mostly main replacements, that's
4 the answer to my question, and I appreciate that.

5 And I guess -- I guess my last question
6 is, on Bates 008, and you don't need to go there,
7 but I'm reading from Mr. Simek's testimony, it
8 says "the customers" -- "the Company's customer
9 base [has grown] two or three percent each year."
10 I just want to make sure that I do I understand,
11 that that's headcount or meter count, not
12 necessarily representative of the total
13 consumption of gas, is that right?

14 A (Simek) I believe that's per bill. So, the number
15 of bills is the customer count.

16 Q Okay. And do you know off the top of your head
17 whether or not consumption has risen equally, at
18 a two or three percent increase?

19 A (Simek) Unfortunately, I do not.

20 CMSR. GIAIMO: That's fine. All right.
21 No, I appreciate the honesty. Thank you.

22 WITNESS SIMEK: Thank you.

23 CMSR. GIAIMO: Madam Chair, those are
24 all the questions I have.

[WITNESS PANEL: Mullen|Simek]

1 CHAIRWOMAN MARTIN: Okay. Thank you.
2 And I don't have any other questions.

3 So, Attorney Sheehan, if you have
4 redirect, please go ahead.

5 MR. SHEEHAN: I do not. Thank you.

6 CHAIRWOMAN MARTIN: Okay. Then, these
7 witnesses -- or, these witnesses are excused.
8 And I understand the OCA has witnesses as well?

9 MS. SHUTE: Unless the Commissioners
10 have questions for Dr. Chattopadhyay, we have no
11 statements to make at this time from the witness.

12 CHAIRWOMAN MARTIN: Okay. Any
13 questions from the Commissioners? Would you like
14 the witness to be sworn?

15 CMSR. GIAIMO: That's not necessary for
16 me, Madam Chair.

17 CMSR. BAILEY: If the witness were
18 sworn, I would ask him a few questions. But I
19 think I understand the Company's proposal. So, I
20 assume that the OCA is supporting it. And, so, I
21 don't need to ask Dr. Chattopadhyay any
22 questions. Thank you.

23 CHAIRWOMAN MARTIN: Okay. Actually, I
24 mean, rather than putting on the witness, could

1 we just hear from you, Attorney Shute, to confirm
2 that, before we move forward without your
3 witness?

4 MS. SHUTE: Yes. I will confirm that
5 the OCA supports this, these changes to the RPC
6 and the temporary rates, and maintaining
7 temporary rates as -- maintaining current rates
8 as temporary rates.

9 Do you want me to give my statement
10 now, was that what you were asking? Or, are you
11 just asking me to confirm that to Commissioner
12 Bailey? Yes?

13 CHAIRWOMAN MARTIN: Yes.

14 MS. SHUTE: Yes.

15 CHAIRWOMAN MARTIN: I just didn't want
16 to move away from the witness without having that
17 confirmed.

18 MS. SHUTE: Okay.

19 CHAIRWOMAN MARTIN: All right. Then,
20 if there is nothing else we need to do before
21 closings, let me know? Yes, Attorney Dexter.

22 MR. DEXTER: Thank you. I wanted to
23 make the same offer for the Commissioners, if
24 they have questions for Mr. Iqbal or Mr. Frink,

1 they are available. I don't have any questions
2 myself for them by way of direct, but I wanted to
3 offer the Bench the opportunity to question Staff
4 witnesses, if they wanted to.

5 CHAIRWOMAN MARTIN: All right.
6 Commissioners, do you want to hear from the
7 Staff?

8 CMSR. BAILEY: I have the same question
9 to Staff. If Staff is supporting the proposal,
10 as explained by the Company, then I don't have
11 any additional questions for Staff.

12 MR. DEXTER: Yes. I can confirm that
13 Staff will be supporting the proposal.

14 CHAIRWOMAN MARTIN: Commissioner
15 Giaimo?

16 CMSR. GIAIMO: No. So, I'm all set. I
17 don't need them sworn in and testify
18 specifically. Thank you.

19 CHAIRWOMAN MARTIN: Okay. Thank you.
20 Then, I think we just need to admit Exhibits 1,
21 3, 5, and 6, without objection, and admit them as
22 full exhibits, and we can proceed with closings.

23 All right. Attorney Shute, would you
24 like to start?

1 MS. SHUTE: Thank you, Chairwoman
2 Martin.

3 While the Office of the Consumer
4 Advocate had concerns with the original temporary
5 rate filing, the OCA's Assistant Consumer
6 Advocate, Dr. Pradip Chattopadhyay, and Al-Azad
7 Iqbal, from Staff's Gas and Water Division,
8 worked with the Company to establish the
9 modifications presented today. With these
10 changes established by that work, we believe it
11 is fair for temporary rates to be set as current
12 rates.

13 Because this is the first time that a
14 rate case is addressing an existing decoupling
15 mechanism, we will work with the Staff and the
16 Company to establish written protocols to be used
17 as guidelines in future cases. The question of
18 how to address the change in the RPC in a
19 temporary phase for future cases would also be
20 addressed to determine whether or not a change in
21 the RPC in a temporary rate case is the right
22 approach or under what conditions that might be
23 appropriate.

24 However, we do agree under these

1 circumstances, which includes the magnitude of
2 this over-collection, that updating the RPC is
3 appropriate for these temporary rates. And we do
4 recommend the Commission accept the Company's
5 request.

6 Thank you.

7 CHAIRWOMAN MARTIN: Okay. Thank you.
8 Attorney Dexter.

9 MR. DEXTER: Thank you.

10 Staff is pleased to support the notion
11 that the temporary rates will be set at existing
12 rates. We are supportive of the updating of the
13 revenue per customer targets at this time, given
14 the magnitudes of the over-collections that have
15 been happening in the decoupling mechanism, which
16 I don't think were foreseen when the mechanism
17 was set up.

18 We take comfort in the fact that both
19 these recommendations are, in fact, temporary, as
20 this is the temporary rate phase, and will be
21 reviewed in the permanent case. And, in the case
22 of temporary rates, a traditional recoupment
23 mechanism will take place pursuant to statute.
24 And, through the revenue decoupling mechanism,

1 any adjustment to the revenue per customer
2 targets will ultimately be made based on the
3 final revenue per customer targets set in the
4 permanent rate case. This is, in fact, a
5 temporary fix.

6 So, with those statements, Staff is
7 supportive of the Company's proposal.

8 CHAIRWOMAN MARTIN: Okay. Thank you.
9 And Attorney Sheehan.

10 MR. SHEEHAN: Thank you. I do not
11 disagree with anything Attorneys Shute and Dexter
12 said just now, and they all make sense, and seems
13 to be the appropriate way to address how we treat
14 this going forward.

15 We have two requests of the Commission,
16 as outlined in my opening, and I will not repeat
17 that opening here.

18 First, we ask the Commission to set the
19 Company's revenue requirement at 92,890,325, as
20 shown on Exhibit 5, Page 1, to be in effect
21 during the pendency of this docket. As discussed
22 during today's hearing, this revenue can be
23 generated from existing distribution rates by
24 adjusting other underlying rate components,

1 primarily the RPC targets. So, there's no need
2 to change current rates.

3 Second, the Company asks the Commission
4 to approve the RPC targets contained in Exhibit
5 6, which will enable the Company to collect and
6 retain the above revenue requirement. The
7 Company only asks that the Commission approve the
8 revenue requirement and the RPC targets on a
9 temporary rates. We understand that any further
10 necessary adjustments to the RPC targets will
11 occur at the close of this case, based on Staff's
12 and the OCA's investigation into the RPC
13 calculations, based on additional data available
14 by the time this docket is resolved. And, of
15 course, the Commission will likely be asked to
16 approve a different permanent rate revenue
17 requirement at the close of this case.

18 And, so, I have to close by saying how
19 pleasantly, hopefully not unique, the
20 conversation occurred between the parties leading
21 up to this. The people on this hearing now, plus
22 a few in the waiting room, have literally spent
23 ten or twenty hours in meetings over the last two
24 weeks working through those issues, as we're all

1 educating each other on the quirks, and not so
2 much "quirk", but just understanding how this
3 decoupling mechanism will play out going forward.
4 It was -- they were all sometimes talking past
5 each other, as we were trying to educate each
6 other. And it was a very good conversation. I
7 think this is a very good result.

8 And, as Ms. Shute said, we should
9 probably formalize some of the thoughts we had
10 through this process, so we don't have to
11 recreate the wheel the next time around.

12 So, thank you.

13 CHAIRWOMAN MARTIN: Okay. Thank you,
14 everyone.

15 I would like to say also thank you for
16 the clear collaboration that took place here, and
17 resulted in an innovative proposal today.

18 We will take the matter under
19 advisement and issue an order as soon as
20 possible. Thank you. Have a good day. We are
21 adjourned.

22 ***(Whereupon the hearing was adjourned***
23 ***at 11:29 a.m.)***